



United States
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Agriculture

Animal and
Plant Health
Inspection
Service

Marketing and
Regulatory
Programs

Washington, DC
20250

ORDER RESTRICTING MOVEMENT OF NURSERY STOCK FROM CALIFORNIA NURSERIES

Restrictions on California Nurseries Located Outside Quarantined Areas

The purpose of this order is to address immediately the recent discovery of *P. ramorum* in commercial nurseries in California that are outside the quarantined area.

The 10 counties currently under quarantine are: Alameda, Marin, Mendocino, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma. This order adds Contra Costa and Humboldt to the list of quarantined areas. Given that nurseries outside the quarantined area are not covered by the current regulations, we are implementing new restrictions on the interstate movement of hosts and associated articles from all commercial nurseries in California that are outside the quarantined Pursuant to Sections 412 and 414 of the Plant Protection Act, (7 U.S.C. 7712, 7714) the Administrator of the Animal and Plant Health Inspection Service (APHIS) considers it necessary, in order to prevent the dissemination of *Phytophthora ramorum*, to establish restrictions on the interstate movement of nursery stock that has been identified as a host (Attachment I) of *P. ramorum*, as well as certain associated articles (nursery stock of unconfirmed, but potential host species, see Attachment II) from commercial nurseries in non-quarantined counties in California. This action is necessary on an emergency basis to prevent the potential spread of *P. ramorum* to non-infested areas of the United States outside California.

The recent detections of *P. ramorum* in the non-quarantined area of California are limited to commercially produced plants inside nurseries. In the quarantined counties in California, *P. ramorum* is widespread throughout the natural environment. The disease has not been detected in the environment outside the quarantined area, where dry climate and weather conditions are not conducive to the disease. However, nurseries located outside the quarantined area, because of watering and other cultural practices may create microclimates that are hospitable to *P. ramorum*. Therefore, we are regulating the interstate movement of hosts and associated articles from commercial nurseries in non-quarantined areas in California. We are not regulating the interstate movement of any other articles from the non-quarantined portion of California because positive finds in the non-quarantined area have been limited to nursery stock. We are not expanding the quarantined area because *P. ramorum* has not been found in the natural environment outside the currently quarantined area.

Effective immediately, the hosts and associated articles listed in Attachments I and II of this order may not be moved interstate from any commercial nursery in non-



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quarantined areas of California until the nursery has been inspected and we determine there is no evidence of *P. ramorum* infestation.

The following protocol must be followed:

- Nurseries that ship hosts or associated articles listed in Attachments I and II of this order interstate must be inspected by an APHIS, State, or County inspector for symptoms of *Phytophthora ramorum*.
- If no symptomatic plants are found upon inspection of the nursery, the nursery is eligible to issue certificates for the interstate movement of plants provided that it is operating under a compliance agreement with APHIS in accordance with § 301.92-6 of the regulations.
- If symptomatic plants are found upon inspection, the inspector must collect a representative sample of each symptomatic plant and a sample of one asymptomatic plant that is in close proximity to or has had physical contact with each symptomatic plant, except that if more than 20 symptomatic plants are found in a single nursery, only 20 symptomatic plants and 20 corresponding asymptomatic plants must be sampled and tested. The only currently approved test method requires both a nested polymerase chain reaction (PCR) test and a culture test. Additional test methods may be approved by APHIS.
- If the results of the APHIS-approved test method are negative for all plants from a single nursery, the nursery is eligible to issue certificates for the interstate movement of plants provided that it is operating under a compliance agreement with APHIS in accordance with § 301.92-6 of the regulations.
- If any hosts or associated articles listed in Attachments I or II of this order within a nursery are found upon testing to be infected with *P. ramorum*, the nursery is prohibited from moving the hosts or associated articles interstate until the nursery is re-inspected and tested, infestations are delimited and isolated, and an inspector determines that the plants intended for shipment interstate show no evidence of *P. ramorum* infestation. At that time, the nursery will be eligible to issue certificates for the interstate movement of plants provided that it is operating under a compliance agreement with APHIS in accordance with § 301.92-6 of the regulations.

Restrictions on the Movement of Associated Articles from Quarantined Areas

In this order, we are restricting the interstate movement of associated articles (see Attachment II). Under this order, associated articles are subject to the same restrictions that currently apply to regulated articles of nursery stock that are being moved interstate from quarantined areas. Those restrictions include requirements that nurseries where nursery stock is grown be inspected and tested for the presence of P. ramorum in advance of the interstate movement of regulated nursery stock. The requirements can be found in § 301.92-11(a).

An interim rule will be issued and published in the Federal Register setting forth the requirements of the order.

/s/ Richard L. Dunkle

Signature of USDA Official

Deputy Administrator, PPQ

Title

April 9, 2004

Date

Attachment I

The complete list of confirmed hosts, including those already listed in the regulations, follows. Those marked with an asterisk are the ones added by this order.

- Arrowwood (a.k.a. Bodnant viburnum) (Viburnum x bodnantense)
- Big leaf maple (Acer macrophyllum)
- California bay laurel (a.k.a. pepperwood, Oregon myrtle) (Umbellularia californica)
- California black oak (Quercus kelloggii)
- California buckeye (Aesculus californica)
- California coffeeberry (Rhamnus californica)
- California honeysuckle (Lonicera hispidula)
- Canyon live oak (Quercus chrysolepis)*
- Coast live oak (Quercus agrifolia)
- Coast redwood (Sequoia sempervirens)*
- Doublefile viburnum (Viburnum plicatum var. tomentosum)*
- Douglas fir (Pseudotsuga menziesii var. menziesii)*
- Evergreen huckleberry (Vaccinium ovatum) (except fruit)
- Himalaya pieris (Pieris formosa)*
- Japanese camellia (Camellia japonica)*
- Japanese pieris (Pieris japonica)*
- Laurustinus (Viburnum tinus)*
- Madrone (Arbutus menziesii)
- Manzanita (Arctostaphylos manzanita)
- Pieris “Brouwer’s Beauty” (Pieris floribunda x japonica)*
- Pieris “Forest Flame” (Pieris formosa x japonica)*
- Rhododendron (Rhododendron spp., including azalea)
- Sasanqua camellia (Camellia sasanqua)
- Shreve's oak (Quercus parvula var. shrevei)
- Tanoak (Lithocarpus densiflorus)
- Toyon (Heter)
- Toyon (Heteromeles arbutifolia)
- Western starflower (Trientalis latifolia)*
- Witch hazel (Hamamelis virginiana)*
- Wood rose (Rosa gymnocarpa)*

Attachment II

Associated articles are nursery stock of the following species: Twenty-nine additional plant species have been identified as associated with P. ramorum because results of culture or Polymerase Chain Reaction (PCR) tests returned positive results for the fungus. For each of these plant species, traditional Koch's postulates have not yet been completed or documented and reviewed, but given the positive results of culture or PCR tests, we believe it is necessary to restrict the interstate movement of these hosts until the results of Koch's postulates are complete. When the results of Koch's postulates are complete, we will address the issue by listing positive articles as regulated and restricted articles, and by removing from regulation plant species that return negative results.

- Burkwood viburnum (Viburnum x burkwoodii)
- California hazelnut (Corylus cornuta)
- Camellia (Camellia reticulata and Camellia x williamsii)
- Cascara (Rhamnus purshiana)
- Chinese pieris (Pieris formosa var. forrestii)
- Chinese pieris (Pieris formosa var. forrestii x Pieris japonica)
- David viburnum (Viburnum davidii)
- Drooping leucothoe (Leucothoe fontanesiana)
- European beech (Fagus sylvatica)
- European cranberry bush viburnum (Viburnum opulus)
- European turkey oak (Quercus sativa)
- European yew (Taxus baccata)
- Fragrant viburnum (Viburnum farreri (= V. fragrans))
- Grand fir (Abies grandis)
- Holm oak (Quercus ilex)
- Horse chestnut (Aesculus hippocastanum)
- Lilac (Syringa vulgaris)
- Lingonberry (Vaccinium vitis-idaea)
- Mountain laurel (Kalmia latifolia)
- Northern red oak (Quercus rubra)
- Poison oak (Toxicodendron diversiloba)
- Prague viburnum (Viburnum x pragense)
- Salmonberry (Rubus spectabilis)
- Southern red oak (Quercus falcata)
- Strawberry tree (Arbutus unedo)
- Sweet chestnut (Castanea sativa)
- Viburnum eskimo (Viburnum x carlcephalum x V. utile)
- Victorian box (Pittosporum undulatum)
- Wayfaringtree viburnum (Viburnum lantana)